

June 25, 2003

SEATTLE COMMUNITY COUNCIL FEDERATION  
ATTN: STEPHEN LUNDGREN, PRESIDENT  
2511 WEST MONTLAKE PLACE EAST  
SEATTLE WA 98112

Subject: Complaint filed against the Seattle Monorail Project – PDC Case No. 03-177

Dear Mr. Lundgren:

The Public Disclosure Commission staff has completed its investigation of your complaint received March 6, 2003, alleging that the Seattle Popular Monorail Authority (Seattle Monorail Project) violated RCW 42.17.190 by using public funds to conduct grassroots lobbying.

Your complaint was reviewed in light of the following statute:

**RCW 42.17.190** defines the permissible lobbying activities of state and local agencies and their employees. The statute states that no public funds may be used directly or indirectly for lobbying unless expressly authorized by law, or unless a) the lobbying activity consists of providing information or communicating on matters pertaining to official agency business to any elected official or agency; or b) the lobbying activity consists of advocating the official position or interests of the agency to any elected official or officer or employee of any agency.

You alleged that the Seattle Monorail Project (a recently formed local agency) produced and distributed a press release and two related e-mails *“that were obviously aimed at enlisting citizens to promote its own legislative agenda.”*

We found that:

- The Seattle Monorail Project is a newly formed agency that was created after being approved by voters on the November 5, 2002 general election ballot.
- The Seattle Monorail Project (SMP) sent two e-mails and a press release during the period of February 24-25, 2003 about pending legislation before the Washington State Legislature.

- The February 24<sup>th</sup> email from SMP referred to the “press advisory” or release and indicated the recipient would be notified regarding the location of the hearing room and went on to inform the recipient that they can contact their legislator through the Washington House of Representatives website.
- The February 25<sup>th</sup> email from SMP informed the recipients of the time and location of the legislative hearing on House Bill 1557, and went on to provide the recipient with the same information about where they can contact their legislator that was included in the earlier email.
- The news release was produced by the Acting Communications Director of the SMP and distributed to SMP’s list of media contacts of which there are currently 64 media contacts. The press release was prepared as part of the Acting Communications Director’s ordinary duties, was one of many press releases sent during the month of February, and it stated the SMP’s official position on the legislation and provided information on the hearing.
- The SMP indicated the email list used by the agency was “originally kept and maintained by the Elevated Transportation Company (ETC)”. The list included individuals who had contacted the ETC asking to be kept apprised of various aspects of the project. The ETC board authorized the SMP to use all ETC assets and to make them available to SMP. SMP then maintained and updated the list.
- The two e-mails sent by the Seattle Monorail Project did not make a direct “call to action”; however, the messages, when considered with the text of the news release, appear to encourage recipients to contact legislators concerning House Bill 1557 with a message favorable to the Seattle Monorail Project’s position on the legislation.

PDC staff met with representatives of the Seattle Monorail Project on March 12, 2003, and discussed the alleged activities noted in your complaint. The representatives of the Seattle Monorail Project acknowledged the activities, and expressed a desire to be educated about, and follow the requirements of, RCW 42.17.190.

PDC staff explained the prohibition against producing and distributing information to the general public, using public funds or resources, that is intended, designed or calculated to influence legislation. PDC staff informed the representatives of the Seattle Monorail Project that public funds may only be used to lobby the legislature directly, and may not be used to lobby indirectly by asking or suggesting that individuals or groups outside the agency contact legislators on behalf of the agency.

Our review of the activities noted in your complaint found that the news release issued February 25, 2003, was not, in itself, a prohibited activity under RCW 42.17.190, but the two e-mails, when considered with the text of the news release, appear to have encouraged readers to contact legislators.

However, the Seattle Monorail Project is a newly created agency that has now been instructed about the restrictions on public agency lobbying, and has stated that they intend to follow the requirements of the law in the future. For these reasons, no additional enforcement action will be taken. The Seattle Monorail Project will be cautioned to adhere to the requirements for public agency lobbying in the future.

After a careful review of the alleged violations and relevant facts, we have concluded our investigation and, with the concurrence of the Chair of the Public Disclosure Commission, I am dismissing your complaint against the Seattle Monorail Project.

If you have questions, please contact Phil Stutzman, Director of Compliance, at (360) 664-8853 or toll free at 1-877-601-2828.

Sincerely,

Vicki Rippie  
Executive Director

c: Seattle Monorail Project